

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WANAG TAHATAN-BEY,

Plaintiff,

v.

THE ESTATE OF KEVIN PAUL
WOODRUFF ET AL,

Defendant.

Case No. 21-cv-02145-JSC

**ORDER OF REASSIGNMENT AND
REPORT AND RECOMMENDATION
TO DISMISS**

Plaintiff Wanag Tahatan-Bey initiated this matter by filing a Consensual Decree Order Certified Foreign Judgment, classified as a miscellaneous case. (Dkt. No. 1.)¹ The Court subsequently ordered the matter reclassified as a civil case, (Dkt. No. 2), and Plaintiff was notified that the new filing fee is \$402.00, (Dkt. No. 4). On June 4, 2021, the Court ordered Plaintiff to pay the filing fee or file a motion to proceed *in forma pauperis*, directing him to the Northern District's Legal Help Center for free assistance. (Dkt. No. 5.) To date, Plaintiff has not paid the filing fee or filed a motion to proceed *in forma pauperis*.

Because the parties have not consented to the Court's jurisdiction, the Clerk of Court is ordered to REASSIGN this action to a district court judge. *See Williams v. King*, 875 F.3d 500, 501, 504 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial screening because unserved defendants had not consented to proceed before magistrate judge). The Court RECOMMENDS that the district court judge dismiss the action without prejudice for failure to pay the required fee.

Any party may file objections to this report and recommendation with the district court

¹ Record citations are to material in the Electronic Case File ("ECF"); pinpoint citations are to the ECF-generated page numbers at the top of the documents.

1 judge within fourteen days after being served with a copy. *See* 28 U.S.C. § 636(b)(1)(B); Fed. R.
2 Civ. P. 72(b); N.D. Cal. Civ. L.R. 72-3. Failure to file objections within the specified time may
3 waive the right to appeal the district court's ultimate order.

4 **IT IS SO RECOMMENDED.**

5 Dated: September 10, 2021

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8 JACQUELINE SCOTT CORLEY
9 United States Magistrate Judge
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United States District Court
Northern District of California